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# S P E E C H

OF

## HON. JAMES W. WALL, OF N. J.,

ON THE

### MISSOURI EMANCIPATION BILL,

DELIVERED IN THE

UNITED STATES SENATE, FEBRUARY 7TH, 1863.



WASHINGTON :  
M'GILL & WITHEROW, PRINTERS.

1863.

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## S P E E C H .

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Mr. WALL said :

MR. PRESIDENT: I desire, before the vote is taken on this bill, to give my reasons why I shall be constrained to vote in the negative. I have listened to the arguments advanced here in favor of the passage of this bill, and I have read with care the very able and eloquent speech of my friend, the Senator from Missouri, on my left; and nothing that I have heard or read has served to shake my convictions of the unconstitutionality and inexpediency of this bill before the Senate.

But whatever may be my own individual convictions upon the subject, I believe, nay, sir, I know that a large majority of the people of New Jersey are opposed to the passage of this bill upon those very grounds. In fact, sir, resolutions upon the subject have already been introduced into the lower house of my Legislature by a distinguished member from Bergen county, that go a step beyond this and hint at repudiation of a debt incurred for any such illegitimate purpose as this.

My people, as I think very justly, conceive that you have as much right to appropriate the moneys belonging to the Federal Government, to purchase the slaves in the barracoons on the African coast, as to appropriate it to pay for the

slaves belonging to the slaveholders of Missouri. If the State of Missouri, in her own way, and at her own cost, choose to emancipate her slaves, the people of New Jersey would not have the slightest objection, as they would recognize in such action the true constitutional mode, which their fathers followed when they wished to rid themselves of an institution that, in progress of time, had become an encumbrance.

The bill not only provides for the emancipation of the slaves of Missouri, but proposes to put the people of the other States under the grinding harrow of taxation in order to pay for the slaves, a proposition so monstrous and abnormal that I wonder it does not strike Senators on the other side of the Chamber with alarm at the consequences to flow from such an act. But their sensibilities seem blunted, their minds darkened, and their judgments clouded, whenever a question arises involving the interests of the black race. Are you anxious, Senators, that the epitaph should be written over the tomb of the Republic: "Here lies a white nation, which lost its liberties and its name in endeavoring to give freedom to the black and inferior race?" If you are not, your conduct, day after day, is in strong correspondency with a policy that must inevitably bring this Republic to its grave, and write upon its tomb this horrid epitaph.

In the midst of civil war, with men's hearts failing them for fear, and for looking after the terrible things the future seems to have in store, can you not find something else to occupy your legislative time than in devising and maturing schemes so monstrous and repulsive as this? Do you desire to excite revolution at the North? For I tell you here, frankly and fearlessly, that, if you will only listen, your startled ears shall catch the muttering thunder. If you go on and

persist in measures like this, and others that are soon to be before you, you will hear it nearer and nearer, louder and louder, as it rolls above your heads, and then will come the lightning flash—the crash of what remains of the Union, and, perchance, we shall be driven to accept a military despotism to escape anarchy. Can you, Senators, be willing to accept such a dread alternative, simply that you may carry out your fanatical abstractions in reference to slavery? Is it by passing such bills, as full of mischief to the Republic as the belly of the Trojan horse to Ilium, that you are providing for the common defence and promoting the general welfare?

I represent on this floor the people of a loyal State. They have poured out their blood and their treasure without stint in this terrible contest; and they have done so, sir, because they believed it to be a war for the Union under the Constitution; or, to use the more forcible and pertinent language of my colleague, expressed in a resolution offered by him in this body, in 1861, they believed *that the present war was for the Union according to the Constitution; that its object was to save the former and enforce the latter; was so in the beginning, is now as carried on, and should be to the last; that measures extreme and radical, disruption in themselves, involving in a common fate as well the loyal as disloyal States, should not be resorted to, and that in crushing treason, wide-spread and baneful as it is, the Government itself cannot prove a traitor to organic law.*

This, sir, was the sentiment, I believe, that animated our soldiers and sent them to the field, and caused them to manifest a zeal, a devotion, and a courage that have seldom, if ever, been equalled, certainly never surpassed. They have ever borne the fiercest shock of the battle, and when they fell, have fallen

*"With their backs to the field, and their feet to the foe."*

They have written the names of all the bloodiest battles of the Peninsula, at Roanoke, and in front of Washington, high upon their standards. They have won the well-deserved admiration of the country, and bravely earned the tribute that the present commander, "Fighting Joe Hooker," awarded to them—"That he found no troops that he would sooner lead into action, or who were readier to follow, than the Jersey Blues." They are still ready, as in times past, to do battle for the Constitution, and for the Union under that Constitution; but there is a growing sentiment, not only among our loyal soldiery in the field, but amongst our loyal citizens at home, that, in your emancipation schemes, you, negro brigade bills, your arbitrary arrests, and the thousand and one abnormal acts of this unprincipled Administration, you have made a wide departure from the course on which you first started. They began to believe, in the forcible language of my colleague, that the Government is proving traitor to its organic law.

Mr. TEN EYCK. Will my colleague permit me to explain a moment?

Mr. WALL. Certainly, sir.

Mr. TEN EYCK. I hope my colleague does not wish to convey the idea that I ever said that the Government had proved traitor to its organic law.

Mr. WALL. Certainly not. I understand perfectly what my colleague meant by the expression in his resolution. He meant to convey the idea that the Government could not violate the very law of its being, the Constitution, without committing treason. In other words, that our nationality was in our Constitution; destroy that, and our nationality is destroyed. If the departments of the Government, or any of the departments, assume power not belonging to the

Constitution, that department or those departments have committed treason against the organic law. In this myself and my colleague must agree *in toto cælo*, or else he has changed his views since he offered this resolution.

But to come back from this digression. The loyal soldiers in the field, our loyal citizens at home, are beginning to doubt whether Congress and the Administration were sincere at the outset, with all their resolutions and pledges. They begin to believe that you are paltering with them in a double sense, and only keeping the word of promise to *their* ear to break it to *their* hope. You tell them, by solemn resolution and set speech, that this war is to be waged for the purpose of maintaining the Constitution within the Union; and yet you are continually proposing and encouraging measures, here and elsewhere, that not only strike at the integrity of the Constitution, but which, if carried out, will seriously endanger, if it does not overthrow, the Union itself. You tell your soldiery that they are fighting for a nationality, while you here, by your legislation, are plotting measures to overthrow the Constitution, within which the nationality can alone exist, or bear no life. One Senator, during the progress of this debate, I think the Senator from Michigan, said, with great fervor of patriotism, that, for his part, he was tired of hearing on this floor about violating the Constitution. If he could save the Government, it mattered not how many provisions of the Constitution are violated. That Senator evidently belongs to the Sir Boyle Roche school of patriots, who said, in the Irish Parliament, "That he was in favor of sacrificing the whole of the Constitution, if he could thereby save the remainder!" When the Senator sacrifices the Constitution to save the Government, he will find little left worth saving.

We want, as some one has well expressed it, here at the North, now more especially—loyalty not to a man, or a party, but to the Constitution and the laws. We want a public sentiment as to the duty of citizens—a stern public judgment as to that class of men, who, if ruin is before us, are the ruiners. We want a public indignation as to the men, who, from the caucuses of the bar-room, up to the caucuses of Senates and Cabinets, “sit in dark council, hatching the cockatrice’s egg, and weaving the spider’s web.” The hour for loyalty to men is past; the hour for loyalty, with more devotion than ever, to the Constitution and those great eternal principles of justice that are self-evident to the mind of every honest man, has come. If we are false to such principles now among ourselves, where are we to find the strength to resist our foes from without? With disloyalty to the Constitution and the laws animating every act in our public councils, under the insane plea of necessity, you have introduced a foe into the midst of the citadel, more terrible than an army with banners marching to destroy. There are no forces in the territory in revolt against you this day more dangerous and more potent for mischief, than this terrible foe, that the Administration, by its insane policy, has encouraged and strengthened. And “my ear is pained and soul made sick,” by the iteration and reiteration of this word disloyalty, as applied to Senators on this side of the Chamber and the policy they consider it their duty to support. It would seem as if, with the other side, loyalty meant blind submission to insane abnormal decrees; and if the Administration chooses to adopt a policy for putting down this rebellion, no matter how unconstitutional, how detrimental to the public safety, how subversive of the integrity of our State governments, that we, on this side of the Chamber,

are to give it our unanimous support, or else to be branded as disloyal and in sympathy with treason. It is high time this thing ceased. No man has a right to arraign my fealty, my loyalty to the Government under which I live, upon such flimsy grounds as these. I consider such a charge as equivalent to arraigning my veracity under oath, and will deal with any man who does it, as one who is my enemy. I am sworn, and have been many times, to support the Constitution and the laws of my country, and I have been ever true to the duties and obligations such oaths impose on every man. When I swerve from their observance, let me be arraigned, and those who act with me; and not before. I believe, as Junius did of the English Constitution, in reference to our own, "That the dearest interests of this country are its laws and its Constitution. Against every attack upon these, there will, I hope, be always found amongst us the firmest spirit of resistance, superior to the united efforts of faction and ambition; for ambition, though it does not always take the lead of faction, will be sure in the end to take the most fatal advantage of it, and draw it to its own purposes."

This was the language of a patriotic Englishman, who appealed, in such stirring words as these, to his countrymen, when their liberties were threatened by the assaults of arbitrary language. The noble sentiments it embodies must be the sentiments of every patriotic heart; and the man and the party that responds not to them, are traitorous to the best interests of a common country.

This bill, so strenuously supported by the Senator from Missouri, and the Republican Senators, on this floor, I look upon as one among the most glaring of the unconstitutional measures that, with strange fatuity and singular indifference

to results, Republican Senators are attempting to fasten upon the country. You pledged in the early part of the war, most solemnly, that each State should be allowed to enjoy its own domestic institutions in its own way; and here you are striking a blow at the domestic institutions of Missouri, by proposing a plan of emancipation, when you know hardly one-third of those interested in the question can be allowed to vote, and where, I suppose, emancipation may be decreed to the sound of the trumpet, and at the point of the bayonet; and, not content with that, you want to tax the capital and the labor of the other States, to the amount of millions, in order to defray the expenses of your new-fangled scheme. Why, Mr. President, you have no more right to interfere in this way than you would to appropriate the moneys of the Federal Government to pay for the expenses of divorce suits in Missouri. You can no more take those moneys to pay the expenses of a dissolution of the bonds of matrimony between husband and wife, than between master and slave. We are old-fashioned enough to believe in New Jersey that the States under the Constitution are perfectly independent of each other, as regards their domestic concerns, and that the Federal Government has no power to thrust itself, either in this way or any other, into their domestic affairs, which they should be left to regulate in their own way. The fact is, sir, such interference as this is dangerous, and ought to be scrupulously watched. It is only one of a series of measures to make the States more subservient and dependent upon the General Government, gradually paving the way to a grand central consolidated despotism. It does seem to me, sir, and I say it with the apprehension of a patriot, in looking over the acts of the last and present Congress, and the pronunciamientos of that

embodiment of the war power at the other end of the avenue, that there is an awful squinting that way already. We are rapidly losing sight of the ancient landmarks our fathers set up, and fast drifting, without chart or compass, into the vast whirlpool of centralization.

It was a difficult problem the framers of our institutions had to solve in adjusting the balance of power between the State and Federal Governments. With a vast majority of the men of that day there was a paramount desire to guard the sovereignty of the States, and by no means to arm the hands of Federal functionaries with any pretext for interfering with the proper subjects for State legislation. They solved the problem, and so adjusted the relations that there can be no excuse for men professing to be statesmen not to know where the poise is. But to listen to Senators on this floor, one would suppose that this Government of ours was some great central sovereignty, which, Colossus like, bestrides the continent, and beneath which the States are sometimes invited to seek shelter for their violated rights and insulted dignity. This was the old obnoxious Federal doctrine, and it has been revived in our day with accessions that even the centralizers of John Adams' day would shrink from. The men in power now would sink the States to the level of mere municipal divisions of the incorporated whole, carried on by the will and pleasure of the whole, and liable to be absorbed by it. Push this principle to its extremity, and it does away with all the rules of construction deduced from the federative character of our institutions. It thus supplies the great desideratum of centralism—a perfect foundation for all the arguments in favor of implied, constructive, and discretionary powers. Here, then, is the place “where the wild fig-trees join the wall of Troy,” and here

it is, upon all such bills, and to such that are kindred to it, that those who would defend the palladium of constitutional State Rights, must meet the foe, and drive him back, if it is not even now too late. If we must perish, let us perish together, and they who survive must fight to the last, for there is no Latium for us to fly to.

But aside from the unconstitutionality of the bill, which I have not attempted to argue, for its supporters virtually give up this point by urging it upon the grounds of expediency and necessity, the people of New Jersey are opposed to this bill on the ground of its inexpediency. They cannot, sir, see either the wisdom or the expediency, nor, permit me to say, the statesmanship, when the foundations of the Government are rocking as with the throes of an earthquake, and the Government is staggering like a drunken man beneath a financial pressure that may bury us all in hopeless bankruptcy,—they cannot see, I say, the wisdom, expediency, or statesmanship in lavishing twenty millions of money to gratify the whim and caprice of an abstraction,—for this emancipation policy is nothing more, nothing less. Emancipation has been tried in other countries, and pronounced a failure. England tried it in her islands, and only a few years ago the London *Times* pronounced the whole scheme “a stupendous failure,” and declared that the last state of that man, “the free black, in those islands, was worse than the first,” and that freedom had inflicted more evils upon him than slavery had ever concentrated. In Jamaica, to-day, the blacks are not only falling below the point of civilization attained during their servitude, but, in many cases, returning to their native barbarism, and their worship of idols. What will be the fate of emancipated slaves is just as certain as the fate of the North American

Indians, the difference being that the Indian flies from the civilization which destroys him, while the imitative and mild-tempered African clings to the civilization which ~~as~~ certainly destroys him.

But the antagonism of races that will grow out of this scheme is much more formidable and destructive. From some of our Western States the colored man has been entirely excluded. This is a wise provision, and a merciful one to the blacks, who come into our free States only to drag out a few years in some menial employment, and then disappear with their families, if they have any, leaving no traces behind. If history and experience teach us anything, it is this: that no two races, constituted, like the Anglo-Saxon and African, co-exist in a state of equality, which means competition.

So long as the inferior race is in a dependent condition, and can claim support and protection, it remains content and happy, the great burden of the relation falling, in fact, upon the master, and not upon the slave. The moment that relation is changed, the negro, thrown upon his own resources and exposed to the withering and blasting effects of the ineradicable antipathy which exists towards all of African descent—that moment his fate is sealed. He perishes like the autumn leaves when comes a killing frost; and, in the course of a few generations, not a vestige remains to show that he ever existed. This is a truth which experience and observation have taught us, and which could not have been taught in the same manner to Mr. Jefferson and other founders of our Government, whose opinions are quoted in favor of the abolition of slavery. That slavery was an evil some of them undoubtedly asserted, but that the evil is mainly to the white, and that the black could never co-exist with his master in a

state of freedom, they did not know because the experiment had not been tried. Sufficient time has now elapsed to settle that question, and in a way which can leave but little doubt in a rational mind. The Almighty has established certain laws, physical and moral, upon this question, and we shall do well to acquiesce in them as being right, without attempting to repeal or improve, lest unhappily we should be found to fight against God.

The Senator from Iowa seems to have great faith in emancipation, and says he thinks it is the only pathway through which we are to reach the end of this war, and come out of the lurid tempest of strife into the cool and blessed shadow of a lasting peace. With all due deference to the honorable Senator, I would say to him that, in the excess of his patriotism, he will find that "the wish is father only to the thought." This is only one, I would tell the Senator, of the many impracticable schemes that have served to divide the North and unite the South. The Government is not only "*proving traitor to the organic law,*" to use the language of my colleague, the law of its being, but to the law of common sense, in thus adopting measures which only serve to intensify and embitter the organized opposition now in arms against the Government. No nation that history gives any record of, carried on a civil war upon the principle of weakening its own cause while it was striving to strengthen that of those who were in open revolt against it. There are many in the community who shrewdly surmise that these radical measures have been suggested by Wendell Phillips, whose life-long services in trying to get nineteen States out of this Union in time of peace might fit him for the task of separating, finally and irrevocably, our once great and glorious Union. The let-the-Union-slide policy is still upper-

most in his mind, and, as he was received on this floor some time since as though he was the nation's benefactor, who knows but what the Senators on the other side of this chamber are committed to his policy? If so, by passing this and other like bills, they are consistent with the true principles of their faith, and are helping to advance the terrible dogma of their prophet, "that a permanently divided Union, with slavery in part, is better than an entire Union with slavery in the whole." But if their object be, as the Senator from Iowa says, to put down the rebellion, then all I have to say is, that the supporters of this Administration, in both branches of Congress, and the Executive head of it, at the other end of the avenue, are the wildest set of impracticals the world has almost ever seen. I know nothing that I can compare them to except those wild designers in the Academy of Lagado, in Gulliver's Travels. One projector in that grand Academy had a plan for extracting sunbeams from cucumbers and bottling them up to let out on the Governor's gardens in inclement seasons; a second, a plan for calcining ice from gunpowder; another, a plan for manufacturing silk out of cobwebs. And, in my humble judgment, you can much better extract sunbeams from cucumbers, calcine ice from gunpowder, and make silk out of cobwebs, than you can put down this rebellion by Emancipation Bills, Confiscation Acts, Negro Brigades, and the thousand and one schemes that originate here in this, the modern Academy of Lagado.

The peculiar and disastrous result of all your measures gave rise to that cutting sarcasm, that "Jefferson Davis was running two Congresses, one here and the other at Richmond." It does really seem to us loyal men on this side of the chamber, that you come within the category still. If

your wish is to aid the rebellion, do it in an open manner, and not covertly by passing measures which, ostensibly for the Union, are in reality to divide and overthrow it—the very thing sought for by the Confederates themselves.

The President, in his annual message, declared that himself, and you of this Congress, "could not escape history, that history would not forget you." I don't believe it will forget this Administration, but I fear it will be in the condition of Lord Thurlow. Lord Thurlow was an exceedingly profane man, and on one occasion in the British Parliament, in a burst of enthusiasm, exclaimed: "If I forget my sovereign, may my God forget me." "Forget you, my Lord," said the witty Charles Townsend, "he will never forget you; he will see you damned first." Let the men of this Congress be careful that, while history does not forget them, it may not condemn them at the same time.

I shall vote, sir, against any and every part of this bill, as I believe it to be a perfect bill of abominations, and I know it to be peculiarly obnoxious to the patriotic Legislature who sent me here, and who but reiterate the universal opinion of the State.







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